

COURTROOM MINUTES OF CRIMINAL PROCEEDINGS  
Norfolk/Newport News Division

SENTENCING MINUTES

Set:	<u>2:30 p.m.</u>	Date:	<u>March 13, 2019</u>
Started:	<u>2:30 p.m.</u>	Judge:	<u>Raymond A. Jackson, USDJ</u>
Ended:	<u>3:30 p.m.</u>	Court Reporter:	<u>Janet Collins, OCR</u>
		U.S. Attorney:	<u>Brian Samules, AUSA</u>
		Defense Counsel:	<u>Fernando Groene, c/a</u>
		Courtroom Deputy:	<u>Patrice Thompson</u>
		Probation Officer:	<u>Shannon Gerard, USPO</u>
		Interpreter	<u></u>

  

Case No.	<u>4:17cr125</u>		
Defendant:	<u>Vishal Jyotindra Patel</u>	( <input checked="" type="checkbox"/> ) In Custody	( <input type="checkbox"/> ) On Bond

  X   Came on for disposition.          Deft. Sworn.          Interpreter sworn

  X   Deft satisfied with advice, counsel, and effectiveness of counsel. |

         Court adjudged deft. guilty of count                  of the   

         Govt/Deft's          motion for downward departure.

                  motion for acceptance of responsibility.

                  Granted.          Denied.

         Presentence Report reviewed.   X   Objections heard and rulings made.

         Court adopts PSR for the purpose of establishing the advisory guidelines.

         Court GRANTS Government request for 2-pt reduction in offense level based upon Attorney General's Policy.

         Evidence presented. (Witnesses and exhibits listed on last page)

  X   Arguments of counsel heard.   X   Statement of deft. heard.

IMPRISONMENT:

SENTENCE: Counts   3 and 5  : The deft. shall be committed to the custody of the BOP to be imprisoned for a total term of         34         months. The term consists of   10   months on count         3        , a term of         24         months on count         5         and                  months on count                 , all to be served consecutively.

  X   The deft. is remanded to the custody of the U.S. Marshal.

         The deft. shall surrender for service of the sentence at the institution designated by the BOP/U.S. Marshal before          on                         , as notified by the U.S. Marshal.

         If deft. is unable to arrange transportation to the designated institution, the United States Marshal will arrange transportation for the defendant.

         If the defendant is not notified by the United States Marshal of the institution designated, the defendant shall report to the United States Marshal at 600 Granby Street, Norfolk, VA, by                          on                 , to begin service of the sentence.

## PROBATION:

\_\_\_\_\_ The deft. shall be placed on probation for a term of \_\_\_\_\_ years.

## SUPERVISED RELEASE:

X \_\_\_\_\_ Upon release from imprisonment, the deft. shall be on supervised release for a term of 1 years. This term consists of 1 years on count 3, a term of 1 years on count 5, and a term of \_\_\_\_\_ years on count, all to run concurrently.

\_\_\_\_\_ The Court will not impose a term of supervised release as it is not required by statute and the defendant is a deportable alien who likely will be deported after imprisonment.

## Standard Conditions of Supervised Release/Probation:

The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

While on supervised release, the defendant shall not commit another federal, state, or local crime.

While on supervised release, the defendant shall not illegally possess a controlled substance.

While on supervised release, the defendant shall not possess a firearm, destructive device, or any other dangerous weapon.

X \_\_\_\_\_ The deft. shall refrain from any unlawful use of a controlled substance and submit to one drug test within 15 days of commencement on supervised release and at least two periodic drug tests thereafter, as directed by the probation officer.

\_\_\_\_\_ As reflected in the presentence report, the deft. presents a low risk of future substance abuse and therefore, the court hereby suspends the mandatory condition for substance abuse testing as defined by 18 USC 3563 (a)(5). However, this does not preclude the U.S. Probation Office from administering drug tests as they deem appropriate.

\_\_\_\_\_ It shall be a condition of supervised release that the deft. pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

## Special Conditions of Supervised Release/Probation:

X \_\_\_\_\_ The defendant shall participate in a program approved by the United States Probation Office for substance abuse, which program may include residential treatment and testing to determine whether the deft. has reverted to the use of drugs or alcohol, with partial costs to be paid by the deft., all as directed by the probation officer.

X \_\_\_\_\_ The deft. shall waive all rights of confidentiality regarding substance abuse / mental health treatment in order to allow the release of information to the United States Probation Office and authorize communication between the probation officer and the treatment provider.

X \_\_\_\_\_ The defendant is prohibited from engaging in any aspect of the medical field, work in the medical field, or any similar occupation where the defendant would have access to patients, medical information, and/or controlled substances.

X \_\_\_\_\_ The deft. shall participate in a program approved by the United States Probation Office for mental health treatment. The cost of this program is to be paid by the defendant as directed by the probation officer.

\_\_\_\_\_ The deft. shall pay support for his minor child(ren) in the amount ordered by any social service agency or court of competent jurisdiction, and shall register with the Department of Child Support Enforcement in any state in which he resides.

Illegal Alien Special Conditions:

\_\_\_\_\_ As a condition of supervised release, upon completion of the term of imprisonment, the defendant is to be surrendered to a duly-authorized immigration official of the Department of Homeland Security Bureau of Immigration and Customs Enforcement for deportation in accordance with established procedures provided by the Immigration and Naturalization Act, 8 U.S.C. Section 1101, et seq. As a further condition of supervised release, if ordered deported, the defendant shall remain outside the United States.

\_\_\_\_\_ If at anytime the defendant illegally reenters the United States during the term of supervised release, his illegal reentry will be a violation of supervised release, as well as a violation of law.

FINANCIAL PENALTIESSPECIAL ASSESSMENT:

<u>X</u>	As to count	<u>3</u>	,the deft shall pay a special assessment in the amount of	<u>\$100.00</u>	.
<u>X</u>	As to count	<u>5</u>	,the deft shall pay a special assessment in the amount of	<u>\$100.00</u>	.
_____	As to count	_____	,the deft shall pay a special assessment in the amount of	_____	.
_____	As to count	_____	,the deft shall pay a special assessment in the amount of	_____	.

The total special assessment due is \$ 200.00 and shall be due in full immediately.  
(Special Assessment paid in full on 12/3/18)

Any balance remaining unpaid on the ~~fine~~/special assessment at the inception of supervision, shall be paid by the deft. in installments of not less than \$50.00 per month, until paid in full. Said payments shall commence sixty (60) days after defts. supervision begins.

FINE:

X Court finds deft. is unable to pay fine.

\_\_\_\_\_ The deft. shall pay a fine in the amount of \$\_\_\_\_\_.

RESTITUTION:

X The deft. shall make restitution in the amount of \$ 525.00 to Southeastern Virginia Health System and \$2400.00 to Staff Care. (Restitution paid in full on 3/13/19)

\_\_\_\_\_ Interest waived

X Restitution Judgment Order, entered and filed in open court.

SCHEDULE OF PAYMENTS:

\_\_\_\_\_ Interest will not accrue if the special assessment/fine/restitution is paid in accordance with the schedule, or any modified schedule, set by this court.

X The special assessment/fine/restitution is due and payable immediately. Any balance remaining unpaid on the special assessment/fine/restitution at the inception of supervision, shall be paid by the deft. in installments of not less than \$ 200.00 per month, until paid in full. Said payments shall commence 60 days after deft's supervision begins.

\_\_\_\_\_ At the time supervision commences, the probation officer shall take into consideration the defendant's economic status as it pertains to his ability to pay the special assessment/fine/restitution ordered and shall notify the court of any change that may need to be made to the payment schedule.

\_\_\_\_\_ Each restitution payment shall be divided proportionately among the payees named.

\_\_\_\_\_ Restitution shall be made jointly and severally with \_\_\_\_\_.

---

\_\_\_\_\_ Nothing in the Court's order shall prohibit the collection of any judgment, fine, or special assessment by the United States.

\_\_\_\_\_ Any special assessment, restitution, or fine payments may be subject to penalties for default and delinquency.

\_\_\_\_\_ Since this judgment imposes a period of imprisonment, payment of Criminal Monetary penalties shall be due during the period of imprisonment. All criminal monetary penalty payments are to be made to the Clerk, United States District Court, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program.

\_\_\_\_\_ The deft. shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

\_\_\_\_\_ The deft. notified of right of appeal.

X\_\_\_\_\_ Court noted that deft. waived right of appeal in plea agreement.

X\_\_\_\_\_ On motion of gov't, remaining counts dismissed.

\_\_\_\_\_ The deft. is continued on present bond and cautioned re bail jumping.

X\_\_\_\_\_ Court recommends to the Bureau of Prisons:

\_\_\_\_\_ The deft. be incarcerated in or near the Commonwealth of Virginia.

X\_\_\_\_\_ The deft. be enrolled in a mental health program.

\_\_\_\_\_ The deft. be enrolled in a GED/educational program.

X\_\_\_\_\_ The deft be enrolled in a drug education program.

\_\_\_\_\_ The deft be enrolled in a 500 hour Residential Drug Abuse Program (RDAP).

\_\_\_\_\_ The deft be enrolled in a substance abuse treatment program.

\_\_\_\_\_ The deft be enrolled in a vocational education program.

\_\_\_\_\_ Consent Order of Forfeiture, executed and filed in open court.

### Additional Counts/Comments:

---

---

---

---

---